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JGJR.: 01-06

Paper No: ____

GODWIN GRUBER, P.C.
SUITE 655
801 E. CAMPBELL RD.
RICHARDSON TX 75081

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JAN 23 2006

OFFICE OF PETITIONS

In re Application of
Singh, et al.
Application No. 10/033,038
Filed: 2 January, 2002
Attorney Docket No. 50001.2063

ON PETITION

This is a decision on the petition filed on 28 July, 2002, under 37 C.F.R. §1.47(a), but was not received into the Office of Petitions until this writing.

NOTES: Upon receipt and review of this matter, the Office of Petitions undertook an inquiry to identify current representation of/in this matter and learned from former Counsel Arthur Navarro and present Counsel John Han, that prosecution had been brought "in house" by the Assignee.

However, as of this writing the record is silent as to these events, and there is no indication that there has been a change to the empowerment to prosecute the instant application. If Petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation must be submitted. A courtesy copy of this decision will be mailed to Petitioner. **However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.**

Further, it appears that there has been no effort by Counsel to

inquire as to the status of this matter or as to the delay in addressing the instant petition since the petition was filed in July 2002.

Counsel are reminded that Status Inquiry filed of record at six-month intervals may assist to evidence the Applicant's diligence to the prosecution of the instant matter.

For the reasons set forth below, the petition under 37 C.F.R. §1.47(a) is **GRANTED**.

BACKGROUND

The record indicates:

- the instant application was filed on 2 January, 2002, without, *inter alia*, a fully executed oath/declaration;
- on 31 January, 2002, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration was required within two months;
- on 28 July, 2002, Petitioner Arthur Navarro (Reg. No. 40,744) filed the original petition and fee (and request and fee for extension of time) with, *inter alia*, a statement by William D. Kolb (apparently not registered to practice before the Office), identified as Legal Counsel and Secretary of the entity averred to be Assignee, and Mary Bense, identified as paralegal to Petitioner, along with an oath/declaration containing the signature of named co-inventor Abishek Ranjan Singh (Mr. Singh) (for himself and on behalf of) but without the signature of named non-signing co-inventor Vishnu Natchu (Mr. Natchu), and an averment that Mr. Natchu's signature could not be obtained on the oath/declaration and averring that Mr. Natchu was presented with a copy of the entire application (description, claims, abstract, drawings)—supplemented on 19 January, 2006, with the letter of transmittal in support of that averment—and setting forth his then current mailing address, along with a copy of the Assignment averred to have been executed by Mr. Natchu.

Lastly, Petitioner has submitted a declaration in compliance with 37 C.F.R. §1.63 and §1.64 and Petitioner has shown that such action is necessary to prevent irreparable damage.

This application and papers have been reviewed and found in compliance with 37 C.F.R. §1.47(a).

This application hereby is **ACCORDED status under 37 C.F.R. §1.47(a)**.

As provided under 37 C.F.R. §1.47(a), the Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition.

Notice of the filing of this application also will be published in the Official Gazette.

This file is released to the OIPE for further processing before being forwarded for substantive examination in due course.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3214.



John J. Gillon, Jr.
Senior Attorney
Office of Petitions

cc:

JOHN HAN
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6300 LEGACY DRIVE/MS EVR1C11
PLANO, TEXAS 75024



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VISHNU NATCHU
CASPIAN NETWORKS
170 BAYTECH DRIVE
SAN JOSE, CA 95134-2302

In re Application of
Singh, et al.
Application No. 10/033,038
Filed: 2 January, 2002
Attorney Docket No. 50001.2063

COMMUNICATION

Dear Vishnu Natchu:

You are named as inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. §116 (United States Code), and 37 C.F.R. §1.47,¹ Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as inventor.

¹ The regulations at 37 C.F.R. §1.47 provide:

§ 1.47 Filing when an inventor refuses to sign or cannot be reached.

(a) If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in §1.17(h), and the last known address of the nonsigning inventor. The nonsigning inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.

(b) Whenever all of the inventors refuse to execute an application for patent, or cannot be found or reached after diligent effort, a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, may make application for patent on behalf of and as agent for all the inventors. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, the fee set forth in §1.17(h), and the last known address of all of the inventors. An inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.

© The Office will send notice of the filing of the application to all inventors who have not joined in the application at the address(es) provided in the petition under this section, and publish notice of the filing of the application in the *Official Gazette*. The Office may dispense with this notice provision in a continuation or divisional application, if notice regarding the filing of the prior application was given to the nonsigning inventor(s).

[47 Fed. Reg. 41275, Sept. 17, 1982, effective Oct. 1, 1982; 48 Fed. Reg. 2709, Jan. 20, 1983, effective Feb. 27, 1983; revised, 62 Fed. Reg. 53131, Oct. 10, 1997, effective Dec. 1, 1997; revised, 65 Fed. Reg. 54604, Sept. 8, 2000, effective Nov. 7, 2000]

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. §1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. §1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733.

Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or toll-free: (800) 972-6382 (outside the Washington D.C. area).

Telephone inquiries concerning this letter may be directed to the undersigned at (571) 272-3214.



John J. Gillon, Jr.
Senior Attorney
Office of Petitions

Counsel of Record:
GODWIN GRUBER, P.C.
SUITE 655
801 E. CAMPBELL RD.
RICHARDSON TX 75081

(This firm is still of record, however indications are that the proper contact is as set forth below)

JOHN HAN
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PLANO, TEXAS 75024

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